

SHORT TITLE: Children; authorizing court to require certain record from certain person requesting custody of child. Effective date.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1261

By: Smith

AS INTRODUCED

An Act relating to children; amending 10 O.S. 1991, Section 7003-8.1, as last amended by Section 11, Chapter 200, O.S.L. 1996 (10 O.S. Supp. 1997, Section 7003-8.1), which relates to the Oklahoma Children's Code; limiting application of this section; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 10 O.S. 1991, Section 7003-8.1, as last amended by Section 11, Chapter 200, O.S.L. 1996 (10 O.S. Supp. 1997, Section 7003-8.1), is amended to read as follows:

Section 7003-8.1 A. In placing a child in the custody of an individual or in the custody of a private agency or institution, the court shall, if at all possible, select a person or an agency or institution governed by persons of the same religious faith as that of the parents of the child, or in case of a difference in the religious faith of the parents, then of the religious faith of the child, or, if the religious faith of the child is not ascertainable, then of the faith of either of the parents. It shall be left to the discretion of the judge to place children where their total needs will best be served. Under no circumstances shall a child be placed in the custody of an individual subject to the Oklahoma Sex Offenders Registration Act or an individual who is married to or living with an individual subject to the Oklahoma Sex Offenders

Registration Act. No individual that has been convicted of any crime involving domestic abuse or is married to or living with a person convicted of a crime involving domestic abuse shall receive custody of a child unless that person is able to show by clear and convincing evidence that the child will not be at risk by such placement.

B. 1. Prior to placing a child in the custody of an individual, the court shall inquire as to whether the individual has been previously convicted of a felony or a relevant misdemeanor or has any felony or relevant misdemeanor charges pending.

2. Prior to the custody order being entered, the person seeking custody shall respond by certified affidavit or through sworn testimony to the court and shall provide an Oklahoma criminal history record obtained pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes, or obtained from a county sheriff upon payment of Ten Dollars (\$10.00) to the sheriff's office.

3. For purposes of this subsection, "relevant misdemeanor" may include, but shall not be limited to, assault and battery, alcohol- or drug-related offenses, crimes involving domestic abuse, and other offenses deemed relevant by the court.

C. The provisions of this section shall not apply in any paternity or domestic relations case, unless otherwise ordered by the court.

SECTION 2. This act shall become effective November 1, 1998.

46-2-2103

KSM